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2	UNITED STATES DISTRICT COURT					
3	CENTRAL DISTRICT OF CALIFORNIA					
4	WESTERN DIVISION					
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6	NADINE HAYS, )					
7	PLAINTIFF, )					
8	VS. ) CASE CV 12-10219-DMG(PJWX)					
9	LOS ANGELES POLICE DEPARTMENT,)					
10	ET AL.,  ) LOS ANGELES, CALIFORNIA )					
11	DEFENDANT. ) APRIL 23, 2014 )					
12	)					
13						
14	TELEPHONIC HEARING BEFORE THE HONORABLE PATRICK J. WALSH					
15	UNITED STATES MAGISTRATE JUDGE					
16						
17	APPEARANCES: SEE NEXT PAGE					
18	COURT REPORTER: RECORDED; XTR					
19	COURTROOM DEPUTY: JACOB YERKE					
20	TRANSCRIBER: DOROTHY BABYKIN					
21	COURTHOUSE SERVICES  1218 VALEBROOK PLACE					
22	GLENDORA, CALIFORNIA 91740 (626) 963-0566					
23						
24						
25	PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING; TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.					

2 1 APPEARANCES: (CONTINUED) FOR THE PLAINTIFF: NADINE HAYS 2 PRO SE 3 FOR ALL DEFENDANTS LOS ANGELES CITY ATTORNEY'S OFFICE EXCEPT ROBERT TAYLOR: BY: ELIZABETH L. GREENWOOD 4 DEPUTY CITY ATTORNEY CITY HALL EAST 5 200 NORTH MAIN STREET 6TH FLOOR 6 LOS ANGELES, CALIFORNIA 90012 7 FOR ROBERT TAYLOR: GORDON & REES LLP BY: LISA K. GARNER 8 ATTORNEY AT LAW 633 WEST FIFTH STREET 9 52ND FLOOR LOS ANGELES, CALIFORNIA 90071 10 ALSO PRESENT: DETECTIVE DAVID PURCELL 11 LOS ANGELES POLICE DEPARTMENT. 12 WENDY SOBEL, COURT REPORTER 13 14 15 16 17 18 19 20 21 22 23 24

LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 23, 2014 1 2 THE CLERK: CALLING CASE NADINE HAYS VERSUS LOS 3 ANGELES POLICE DEPARTMENT, ET AL., 12-10219. COUNSEL AND EVERYONE THERE, WILL YOU PLEASE STATE 4 5 YOUR APPEARANCES FOR THE RECORD, PLEASE. 6 MS. HAYS: NADINE HAYS, PLAINTIFF. 7 MS. GARNER: -- COUNSEL FOR DEFENDANT ROBERT TAYLOR. 8 MS. GREENWOOD: ELIZABETH GREENWOOD, COUNSEL FOR 9 ALL THE DEFENDANTS. 10 DETECTIVE DAVID PURCELL: DETECTIVE DAVID PURCELL, 11 LOS ANGELES POLICE DEPARTMENT. 12 MS. SOBEL: THE COURT REPORTER, WENDY SOBEL. 13 THE COURT: ALL RIGHT. GOOD AFTERNOON, EVERYBODY. 14 15 MS. GREENWOOD: GOOD AFTERNOON, YOUR HONOR. 16 MS. GARNER: GOOD AFTERNOON, YOUR HONOR. THE COURT: I UNDERSTAND THERE'S SOME PROBLEMS WITH 17 18 THE DEPOSITION WITH MY ORDER THAT MS. HAYS HAS TO RELEASE SOME MEDICAL RECORDS. SO, LET'S DEAL WITH THOSE AS BEST WE 19 20 CAN. 21 MRS. HAYS, YOU'RE CLAIMING THAT AS A RESULT OF THIS ARREST AND I SUPPOSE YOUR ARREST AT BURBANK AIRPORT AT THAT 22 23 TIME AND ALL THESE OTHER TIMES THAT YOU'VE HAD THESE INTERACTIONS WITH THE POLICE, THAT YOU HAVE MENTAL AND 24

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PHYSICAL PROBLEMS.

AM I RIGHT? 1 2 MS. HAYS: YES, YOUR HONOR. 3 THE COURT: OKAY. YOUR ENTIRE MENTAL AND PHYSICAL HISTORY, PAST, PRESENT AND FUTURE, IS SUBJECT TO DISCOVERY IN 4 5 THIS CASE. THEY CAN LOOK AT ANY OF YOUR MEDICAL RECORDS, ANY OF YOUR PSYCHIATRIC RECORDS. AND THEY CAN -- THEY CAN OBTAIN 6 7 THOSE THROUGH A SUBPOENA. AND THEY CAN LOOK AT THEM. 8 MS. HAYS: YOUR HONOR --9 THE COURT: HOLD ON A SECOND. 10 THEY CAN ALSO HAVE YOU GO TO THEIR PSYCHIATRIST WHO 11 IS GOING TO PERFORM A PSYCHOLOGICAL EVALUATION ON YOU AND 12 DETERMINE WHETHER OR NOT YOU HAVE BEEN -- YOU SUFFER ANY 13 PSYCHIATRIC INJURIES AS A RESULT OF THIS OR WHETHER THEY WERE CAUSED -- ASSUMING YOU DO, IF THEY WERE CAUSED BY SOMETHING 14 15 ELSE. 16 GO AHEAD, MRS. HAYS. 17 (PAUSE IN PROCEEDINGS.) MS. HAYS: YOUR HONOR, I DO NOT, AS YOU KNOW, 18 19 BELIEVE ANYBODY HAS A RIGHT TO WALK OVER ANOTHER PERSON. I 20 BELIEVE THAT I SHOULD HAVE THE OPPORTUNITY TO FIRST SEE MY MEDICAL RECORDS. I MEAN, I COULD DROP THE CASE IF MY PRIVACY 21 22 WAS MORE IMPORTANT THAN THIS CASE. 23 COULD I NOT? 24 THE COURT: YES, YOU CAN. AT ANY TIME YOU CAN DROP 25 THIS CASE.

MS. HAYS: OKAY. WELL, MY PRIVACY WILL BE VIOLATED, AND I WON'T BE ABLE TO DO THAT.

THE COURT: YOU ARE WAIVING YOUR PRIVACY BY RAISING YOUR MENTAL AND PHYSICAL WELL-BEING INTO ISSUE. THAT'S A WAIVER. YOU CANNOT GET ON THE STAND AND SAY THEY HURT ME PSYCHOLOGICALLY AND THEY GO TO CROSS-EXAMINE YOU BUT THEY DON'T HAVE ANY EVIDENCE BECAUSE OF YOUR RIGHT TO PRIVACY.

MS. HAYS: OH, YOUR HONOR, YOU'RE NOT -- YOU'RE NOT UNDERSTANDING ME, PLEASE.

THE COURT: I UNDERSTAND YOU.

MS. HAYS: NO, YOU DON'T. YOU DON'T.

WHAT I AM SAYING IS IF I UNCOVERED SOMETHING -- I
HAVEN'T EVEN SEEN MY MEDICAL RECORDS. I HAVE NO IDEA WHAT IS
GOING TO BE PRESENTED. AND IF SOMETHING CAME UP THAT I AM
NOT AWARE WHAT'S IN THE RECORDS, AND TO ME THE PRIVACY OF
THAT INFORMATION IS MORE IMPORTANT THAN THIS CASE, I THINK I
SHOULD HAVE THE RIGHT TO SAY MY PRIVACY IS MORE IMPORTANT. I
WILL DROP THIS, THIS AND THIS CAUSE OF ACTION THAT'S RELATED
TO MY MEDICAL RECORDS BECAUSE I DON'T WANT YOU TO SEE THIS.
I BELIEVE I SHOULD HAVE THE RIGHT TO DO THAT.

I KNOW THAT WHAT YOU'RE SAYING IS I WILL NOT HAVE
THE RIGHT TO GET THE CLAIM FOR DAMAGES IF I DON'T GIVE THE
INFORMATION TO THEM. I AGREE WITH YOU A HUNDRED PERCENT.

AND RIGHT NOW, I'M GOING TO SAY I WANT THEM TO HAVE ALL OF MY MEDICAL RECORD BECAUSE IT WAS THE DEFENDANTS AND

THEIR ACTIONS THAT CAUSED ME TO GO SEE THE PROFESSIONALS.

ALL WHAT I'M ASKING FOR, YOUR HONOR, IS FOR THE RIGHT TO SEE

THE MEDICAL RECORDS MYSELF FIRST -- NOT THAT I'M DENYING ANY

OF THE MEDICAL RECORDS TO THEM.

THE COURT: I UNDERSTAND WHAT YOU'RE ASKING FOR. I
THINK IT'S A CUMBERSOME PROCESS. THEY'RE GOING TO SUBPOENA
THE RECORDS. THE RECORDS ARE GOING TO BE SENT TO MS.

GREENWOOD. SHE THEN WILL ARRANGE TO HAVE YOU -- TO LET YOU
HAVE A COPY OF THOSE. IF SHE WANTS TO AGREE TO THAT, THAT'S
HER BUSINESS. I'M NOT GOING TO INTERFERE.

YOU WANT TO GET A COPY OF YOUR OWN MEDICAL RECORDS,
YOU GO TALK TO YOUR DOCTORS AND TELL THEM TO GIVE YOU A COPY
AND READ THROUGH THEM. YOU SEE SOMETHING IN THERE THAT YOU
DON'T WANT MS. GREENWOOD TO SEE AND YOU WANT TO DROP SOME
CLAIMS, YOU GO AHEAD.

BUT I WANT TO TELL YOU HOW ALMOST IMPOSSIBLE IT IS
GOING TO BE FOR ME TO SORT THROUGH THIS MEDICAL RECORD OR
THAT MEDICAL RECORD AND TIE IT INTO THIS CLAIM OR THAT CLAIM.
YOU HAVE RAISED YOUR MENTAL AND PHYSICAL HEALTH INTO ISSUE.
AND UNLESS AND UNTIL THAT HAS CHANGED, MS. GREENWOOD IS GOING
TO HAVE CARTE BLANCHE TO DISCOVER YOUR MEDICAL RECORDS.

I AM NOT GOING TO MICRO-MANAGE THIS CASE AND LOOK AT EVERY SINGLE MEDICAL RECORD AND TIE IT IN TO ONE OF YOUR CLAIMS.

MS. HAYS: YOUR HONOR, I'M NOT ASKING THAT. I AM

NOT ASKING THAT. THAT'S WHY I'M SAYING IT'S OBVIOUS THAT YOU ARE NOT HEARING WHAT I AM SAYING AND MEANING.

THE COURT: I WANT TO STOP YOU. YOUR REQUEST THAT YOU GET TO SEE THE MEDICAL RECORDS FIRST IS DENIED.

ALL RIGHT. LET'S MOVE ON TO THE NEXT ISSUE.

THE NEXT ISSUE IS THAT MS. GREENWOOD IS ASKING YOU ABOUT EVERY OFFICER THAT YOU HAVE ALLEGED VIOLATED YOUR RIGHTS. AND YOU ARE GETTING FLUSTERED BECAUSE YOU JUST WANT TO SAY DITTO TO THIS, DITTO TO THAT. YOU DON'T WANT TO HAVE TO GO THROUGH EACH ONE OF THEM.

EVERY OFFICER YOU'VE NAMED IN THIS LITIGATION MS.

GREENWOOD IS DEFENDING. AND SHE GETS TO ASK YOU ABOUT EACH

AND EVERY OFFICER. IF YOU WANT TO START DROPPING OFFICERS,

HAVE AT IT. OKAY. BUT AS LONG AS THERE'S AN OFFICER IN

THERE, YOU ARE REQUIRED TO ADDRESS HER QUESTIONS AND ANSWER

THEM.

MS. HAYS: YOUR HONOR --

THE COURT: GO AHEAD.

MS. HAYS: -- I'M GOING TO ASK FOR A LITTLE EMPATHY.

AND I DON'T KNOW WHETHER IT'S POSSIBLE FOR A JUDGE TO GIVE

EMPATHY, BUT I SPENT A LOT OF TIME -- A LOT OF TIME DOING MY

ANSWERS TO THE INTERROGATORIES. I TOOK EACH OFFICER. I

NAMED ALL OF THE CAUSES OF ACTION THAT APPLIED TO THAT

OFFICER. AND I PUT IN DETAIL WHAT THE OFFICER DID THAT MADE

THAT CAUSE OF ACTION APPLICABLE.

SO, IS IT NECESSARY FOR HER TO -- I MEAN, SHE HAS THE RIGHT TO DRILL ME OVER AND OVER AGAIN.

THE COURT: NO. SHE DOESN'T HAVE THE RIGHT TO

DRILL YOU OVER AND OVER AND OVER AGAIN, BUT SHE HAS A RIGHT

TO ASK A QUESTION AND GET YOUR ANSWER UNDER OATH ON THE

RECORD.

MS. HAYS: AND WHEN I -- WHEN I SAY SOMETHING AND SHE REPEATS WHAT I HAVE ALLEGEDLY SAID, THE WAY SHE WORDS HER -- HER RESPONSE BACK TO ME, IT'S NOT CORRECT. AND SHE DOES IT EVERY SINGLE TIME. I CORRECT HER. AND IT'S USUALLY -- IT'S LIKE -- I WISH I HAD AN EXAMPLE OF IT.

ARE YOU SAYING THAT THERE WAS NEGLIGENCE ON THE BEHALF OF ALEX VARGAS BECAUSE HE DID NOT ALLOW YOUR HUSBAND TO COME INTO THE INTERVIEW ROOM?

AND MY RESPONSE WOULD BE IT WAS NEGLIGENT FOR HIM
TO HAVE GIVEN ME THE IMPRESSION THAT MY HUSBAND WAS GOING TO
BE ALLOWED TO COME INTO THE INTERVIEW ROOM WITH ME. SO, I'M
COMING THERE TO THE HEARING WITH THE FEELING THAT I AM GOING
TO HAVE MY HUSBAND BY MY SIDE. AND THEN I SHOW UP FOR THE
HEARING, AND HE REFUSES TO LET MY HUSBAND COME IN. I'M
FEARFUL.

THE COURT: I DIDN'T CATCH THE LAST SENTENCE -THAT -- WHAT WAS THE LAST THING YOU SAID?

MS. HAYS: I AM FEARFUL.

THE COURT: YOU'RE FEARFUL. OKAY. IN THE

10 DEPOSITION OR WHEN YOU WERE AT THE OTHER THING? -- THE 1 2 HEARING. 3 MS. HAYS: PARDON? 4 THE COURT: ARE YOU FEARFUL NOW OR WERE YOU FEARFUL 5 WHEN -- WHEN YOU WENT TO THAT HEARING WITHOUT YOUR HUSBAND? 6 MS. HAYS: NO. WHEN I WENT TO THAT HEARING. 7 THE COURT: ALL RIGHT. LOOK, THE COURT REPORTER IS 8 TAKING DOWN EVERYTHING MS. GREENWOOD IS SAYING AND EVERYTHING YOU'RE SAYING. IF SHE'S MISCHARACTERIZING YOUR TESTIMONY, IT 9 10 WILL BE CLEAR FROM THE TRANSCRIPT. 11 MS. HAYS: OKAY. AND I UNDERSTAND THAT I -- I CAN 12 REVIEW THE TRANSCRIPT AND MAKE ANY TYPE OF COMMENTS. 13 THE COURT: WELL, YOU CAN REVIEW THE TRANSCRIPT AND CORRECT ANY ERRORS IN THERE. AND IF YOU HAVE TO CHANGE AN 14 15 ANSWER, YOU CAN DO SO AND EXPLAIN WHY. BUT COMMENTS, I DON'T 16 KNOW ABOUT COMMENTS. SO, I DON'T KNOW WHAT YOU MEAN BY THAT, 17 BUT LET'S WAIT AND SEE WHAT HAPPENS. 18 YES, YOU ARE GOING TO HAVE AN OPPORTUNITY TO REVIEW 19 THE ENTIRE TRANSCRIPT WITHIN 30 DAYS OF RECEIVING IT. MAKE 20 ANY CHANGES THAT ARE NECESSARY AND SIGN A DECLARATION THAT THAT'S YOUR DEPOSITION TESTIMONY. 21 22 MS. HAYS: OKAY. 23 YOUR HONOR, BUT THE BIG PROBLEM -- AND I APOLOGIZE 24 TO EVERYBODY -- THE COURT AND THESE ATTORNEYS, BUT KNOW THAT

I HAVE -- HAVE SAID THAT THIS HAS CAUSED GREAT DAMAGE. AND

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LITIGATION. ALL RIGHT.

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MY MIND DOES NOT THINK THE WAY A NORMAL MIND THINKS, UNFORTUNATELY. SO, SHE MAY THINK THAT SHE'S ASKING A QUESTION VERY CLEARLY, BUT THE WAY MY MIND IS PROCESSING THAT, IT'S NOT CLEAR, OR IT'S NOT WHAT I WANT IT TO SAY. AND, SO, THAT'S WHY THIS HAS TAKEN SO LONG BECAUSE I'LL TRY TO SAY IT. AND THEN SHE'LL SAY IT IN HER WAY. AND I GO NO. AND THEN I HAVE TO REPEAT IT. AND IT'S LIKE SHE DOESN'T WANT TO JUST -- LIKE YOU SAID, IT'S GOING TO BE DOWN IN THE TRANSCRIPTS. SO, I GUESS WE'LL DEAL WITH THE PROBLEMS WHEN THE PROBLEMS ARISE. THE COURT: I THINK THAT'S A GOOD IDEA. MS. HAYS, I'M GOING TO LET YOU GO NOW. AND YOU DO THE BEST YOU CAN IN YOUR DEPOSITION. ALL RIGHT. MS. HAYS: YOUR HONOR, WE NEED TO TALK ABOUT WHEN I DEPOSE PEOPLE. THE COURT: LET'S NOT DO THAT TODAY. MS. HAYS: OKAY. THE COURT: OKAY. WE'LL SET UP A TIME. WE'LL TALK ABOUT THAT. I WANT YOU TO UNDERSTAND THAT THIS -- I GET IT THAT THIS DEPOSITION IS DIFFICULT. BUT, YOU KNOW, YOUR CONCERNS ABOUT YOUR MEDICAL RECORDS AND BEING FORCED TO HAVE A PSYCHIATRIC EVALUATION ARE SOME THINGS -- SOME THINGS YOU MAY WANT TO THINK ABOUT BEFORE YOU DECIDE TO GO FORWARD WITH THIS

12 MS. HAYS: YOUR HONOR, I HAVE NO PROBLEM WITH AN 1 2 EVALUATION. 3 I JUST DON'T -- I HAVE KNOWN FROM MY EXPERT THAT A 4 PSYCHIATRIC EVALUATION IS NOT A PROPER WAY TO DIAGNOSE 5 DAMAGE. AND IS THAT NOT THE PURPOSE OF A PSYCHIATRIC 6 7 EVALUATION? 8 THE COURT: THIS IS NOT A TUTORIAL. THEY'RE GOING TO BE ALLOWED TO HAVE A PSYCHIATRIC EVALUATION. OKAY. YOU 9 10 CAN -- YOU CAN FILE ANY OBJECTIONS YOU HAVE. AND IF YOUR 11 EXPERT WANTS TO SUBMIT A DECLARATION THAT SAID THAT'S NOT THE 12 WAY TO DETERMINE DAMAGES, HE CAN DO SO. 13 BUT IT'S NOT JUST DAMAGES, IT'S ALSO CAUSE AND EFFECT. YOU'RE CLAIMING THAT YOUR PSYCHIATRIC -- SOME OF 14 15 YOUR PSYCHIATRIC INJURIES STEM FROM YOUR ARREST. THE PSYCHIATRIST IS GOING TO DETERMINE WHETHER OR NOT HE BELIEVES 16 17 THAT'S ACCURATE. 18 MS. HAYS: OKAY. 19 THE COURT: ALL RIGHT. OKAY. MS. GREENWOOD, ANYTHING ELSE BEFORE I LET 20 YOU GO? 21 22 MS. GREENWOOD: NO, YOUR HONOR. 23 THANK YOU FOR YOUR TIME. 24 THE COURT: I'M SORRY. THERE ARE OTHER COUNSEL

THERE. AND, OF COURSE, I'VE ALREADY FORGOTTEN EVERYBODY'S

13 NAME. SO, TELL ME --1 2 MS. GARNER: THIS IS LISA GARNER, COUNSEL FOR 3 ROBERT TAYLOR. NOTHING FURTHER, YOUR HONOR. 4 5 THANK YOU. THE COURT: THANKS, MS. GARNER. I'M SORRY. I HAVE 6 7 THE MINUTE -- THE CALENDAR IN FRONT OF ME. AND I DIDN'T SEE 8 YOUR NAME ON IT. 9 OKAY. AND ANYONE ELSE? 10 I KNOW THE COURT REPORTER DOESN'T HAVE A VIEW. 11 AND, MS. HAYS, ANYTHING FURTHER BEFORE I LET YOU 12 GO? 13 MS. HAYS: NO, YOUR HONOR. THE COURT: DO THE BEST YOU CAN, MS. HAYS. YOU'LL 14 15 GET A TRANSCRIPT. AND YOU CAN TRY AND STRAIGHTEN OUT ANYTHING THAT YOU THINK WENT WRONG. ALL RIGHT. 16 17 MS. HAYS: THANK YOU. 18 THE COURT: ALL RIGHT. THANKS A LOT. 19 BYE-BYE. 20 MS. GREENWOOD: BYE-BYE, YOUR HONOR. (PROCEEDINGS ADJOURNED.) 21 22 23 24

C E R T I F I C A T EI CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER. /S/ DOROTHY BABYKIN 6/27/14 FEDERALLY CERTIFIED TRANSCRIBER DATED DOROTHY BABYKIN 

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